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6 Attorneys for Kerry Krisher, Liquidating Trustee  
7 as successor to the Plaintiff

8 **UNITED STATES BANKRUPTCY COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 In re

Case No.: 07-52890 ASW

12 OLD T.B.R., INCORPORATED, f/k/a THE  
13 BILLING RESOURCE, dba INTEGRETEL,

Chapter 11

14 Debtor.

15 OLD T.B.R., INCORPORATED, f/k/a THE  
16 BILLING RESOURCE, dba INTEGRETEL,

Adv. Pro. No. 09-05074

17 Plaintiff,

**AMENDED NOTICE OF HEARING  
ON PLAINTIFF'S MOTION FOR  
SUMMARY ADJUDICATION THAT  
PLAINTIFF IS NOT LIABLE FOR  
AMOUNTS ATTRIBUTABLE TO THE  
"910 ACCOUNT"**

18 v.

19 THE BILLING RESOURCE, LLC, a Delaware  
limited liability company,

Date: May 27, 2010  
Time: 2:15 p.m.  
Place: United States Bankruptcy Court  
280 South First Street  
San Jose, CA  
Judge: Hon. Arthur S. Weissbrodt  
Ctrm: 3020

20 Defendant.

21  
22  
23  
24 **TO THE HONORABLE ARTHUR S. WEISSBRODT, UNITED STATES BANKRUPTCY  
25 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND THE BILLING  
RESOURCE, LLC:**

26 **PLEASE TAKE NOTICE** that on May 27, 2010 at 2:15 p.m., or as soon thereafter as the  
27 matter may be heard, in the Courtroom of the Honorable Arthur S. Weissbrodt, United States  
28 Bankruptcy Court, 280 South First Street, San Jose, California, Kerry Krisher, Liquidating Trustee

1 ("Plaintiff") and successor to the rights and claims of the above-referenced debtor (the "Debtor" or  
2 "Seller") will move (the "Motion") for summary adjudication against The Billing Resource, LLC  
3 ("Purchaser") that Plaintiff is not liable for approximately \$1.3 million that has been billed to the  
4 estate as adjustments to the "910 Account". As a matter of law, the Seller's assets were sold on an  
5 "as-is" basis and without warranty. Because the Asset Purchase Agreement between the Seller and  
6 Purchaser is unequivocal in casting the sale as an "as-is-where-is" transaction, Purchaser cannot  
7 retroactively bill the estate for adjustments to a general ledger account and summary adjudication  
8 should be granted.

9 Plaintiff's Motion is supported by the accompanying Memorandum of Points and  
10 Authorities, the Declarations of Kerry Krisher and Gail Greenwood and exhibits thereto, this Notice,  
11 and any other pleadings and evidence before the Court at the hearing.

12 **PLEASE TAKE FURTHER NOTICE** that pursuant to Bankruptcy Rule 7056(c), any  
13 opposition must be filed with the Court and served upon the undersigned **within 21 days** after the  
14 Motion is served. Pursuant to Bankruptcy Rule 7056(e), a party opposing summary adjudication  
15 may not rely merely on allegations or denials in its own pleadings, and its response must –by  
16 affidavits or as otherwise provided under the Bankruptcy Rules- set out specific facts showing a  
17 genuine issue for trial.

18 Dated: April 19, 2010

PACHULSKI STANG ZIEHL & JONES LLP

20 By /s/ Gail S. Greenwood  
21 John D. Fiero  
22 Gail S. Greenwood  
23 Attorneys for Plaintiff Kerry Krisher,  
24 Liquidating Trustee